

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
MICHAEL KEVIN DUPONT,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 04-11431-GAO
)	
DAVID NOLAN,)	
)	
Respondent.)	
_____)	

**MOTION FOR ENLARGEMENT OF TIME
TO FILE ANSWER OR RESPONSIVE PLEADINGS TO
PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, David Nolan, through counsel, respectfully moves this Court to enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to August 20, 2004.

As grounds therefor, the respondent's attorney states:

1. Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts requires the respondent to answer each allegation of the complaint and state whether the petitioner has exhausted state remedies including post-conviction actions. The Rule also requires that the respondent indicate what transcripts or parts of state court proceedings are available.

2. To this end, the respondent's attorney requested the record of the petitioner's state court proceedings from the Middlesex County District Attorney's office and recently received those records. Due to respondent's recent workload, including preparation for an argument in the First Circuit and a memorandum in opposition to a habeas corpus petition challenging a first degree murder conviction and a scheduled vacation, she will require additional time to analyze

the eighteen grounds raised by the petitioner to decide whether they have been exhausted.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing an answer or other responsive pleading in the above-captioned petition to August 20, 2004.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s Susanne G. Reardon
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Dated: August 6, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon petitioner at the address below on August 6, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to him as follows:

Michael Kevin Dupont, pro se
P.O. Box 100
South Walpole, MA 02071

/s Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General

